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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 FEDERAL TRADE COMMISSION,
14 Plaintiff
15 v.

16 SUPERIOR SERVICING LLC, a
17 limited liability company; and
18 DENNISE MERDJANIAN, aka
19 Dennise Correa, individually and as
managing member of SUPERIOR
SERVICING LLC,

20 Defendants.

21 Case No. 24-CV-2163-GMN-MDC

22 }
23 } **HOLLAND & KNIGHT LLP'S**
24 } **NOTICE OF MOTION AND**
25 } **EMERGENCY MOTION TO**
26 } **WITHDRAW AS COUNSEL OF**
27 } **RECORD FOR NON-PARTIES**
28 } **STUDENT PROCESSING CENTER**
} **GROUP LLC AND SPCTWO LLC**

NOTICE OF MOTION AND EMERGENCY

MOTION TO WITHDRAW AS COUNSEL

TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF

RECORD, please take note that, pursuant to Nevada Local Rule LR IA 11-6(b) and Rule 1.16 of Nevada Rules of Professional Conduct, Holland & Knight LLP, counsel of record for non-parties Student Processing Center Group LLC and SPCTWO LLC (collectively “Non-Party SPCs”) will, and hereby does, move for entry of an order granting Holland & Knight leave to withdraw as counsel of Non-Party SPCs in this case.

This Motion is based upon the Memorandum of Points and Authorities, Declaration of Andrew M. Cummings (“Cummings Declaration”) filed concurrently herewith, and any oral argument that the Court may allow. The instant Motion is brought in good faith and not to hinder or delay the judicial process.

Date: December 23, 2024

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: /s/ *Andrew Cummings*

Anjuli B. Woods
Andrew M. Cummings

Attorneys for Non-Parties Student Processing Center Group LLC and SPCTWO LLC

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

Holland & Knight LLP (“H&K”) was retained to represent the Non-Party SPC’s with respect to a response to Plaintiff’s Temporary Restraining Order and Motion for a Preliminary Injunction. The scope of the representation has ended. Anjuli B. Woods, a partner at Holland & Knight, informed the principals of Non-Party SPCs, David Hernandez and Eric Caldwell, of H&K’s desire to withdraw as counsel of record. Non-Party SPCs do not object to H&K’s withdrawal.

II. LEGAL STANDARDS

District of Nevada Local Rule LR IA 11-6 governs attorney appearances, substitutions, and withdrawals. It states the following:

LR IA 11-6. APPEARANCES, SUBSTITUTIONS, AND WITHDRAWALS
(a) A party who has appeared by attorney cannot while so represented appear or act in the case. This means that once an attorney makes an appearance on behalf of a party, that party may not personally file a document with the court; all filings must thereafter be made by the attorney. An attorney who has appeared for a party must be recognized by the court and all the parties as having control of the client's case, however, the court may hear a party in open court even though the party is represented by an attorney.

(b) No attorney may withdraw after appearing in a case except by leave of the court after notice has been served on the affected client and opposing counsel. (c) A stipulation to substitute attorneys must be signed by the attorneys and the represented client and be approved by the court. Except where accompanied by a request for relief under subsection (e) of this rule, the attorney's signature on a stipulation to substitute the attorney into a case constitutes an express acceptance of all dates then set for pretrial proceedings, trial, or hearings, by the discovery plan or any court order.

(d) Discharge, withdrawal, or substitution of an attorney will not alone be reason for delay of pretrial proceedings, discovery, the trial, or any hearing in the case.

(e) Except for good cause shown, no withdrawal or substitution will be approved if it will result in delay of discovery, the trial, or any hearing in the case. Where delay would result, the papers seeking leave of the court for the withdrawal or substitution must request specific relief from the scheduled discovery, trial, or hearing. If a trial setting has been made, an additional copy of the moving papers must be provided to the clerk for immediate delivery to the assigned district judge, bankruptcy judge, or magistrate judge.

In addition, Rule 1.16 of the Nevada Rules of Professional Conduct governs the termination of representation. It states the following:

1 (a) Except as stated in paragraph (c), a lawyer shall not represent a client or,
 2 where representation has commenced, shall withdraw from the representation
 3 of a client if:

- 4 (1) The representation will result in violation of the Rules of
 Professional Conduct or other law;
- 5 (2) The lawyer's physical or mental condition materially impairs the
 lawyer's ability to represent the client; or
- 6 (3) The lawyer is discharged.

7 (b) Except as stated in paragraph (c), a lawyer may withdraw from representing
 8 a client if:

- 9 (1) Withdrawal can be accomplished without material adverse effect on
 the interests of the client;
- 10 (2) The client persists in a course of action involving the lawyer's
 services that the lawyer reasonably believes is criminal or fraudulent;
- 11 (3) The client has used the lawyer's services to perpetrate a crime or
 fraud;
- 12 (4) A client insists upon taking action that the lawyer considers
 repugnant or with which the lawyer has fundamental disagreement;
- 13 (5) The client fails substantially to fulfill an obligation to the lawyer
 regarding the lawyer's services and has been given reasonable warning
 that the lawyer will withdraw unless the obligation is fulfilled;
- 14 (6) The representation will result in an unreasonable financial burden on
 the lawyer or has been rendered unreasonably difficult by the client; or
- 15 (7) Other good cause for withdrawal exists.

16 (c) A lawyer must comply with applicable law requiring notice to or
 17 permission of a tribunal when terminating representation. When ordered to do
 18 so by a tribunal, a lawyer shall continue representation notwithstanding good
 cause for terminating the representation.

19 (d) Upon termination of representation, a lawyer shall take steps to the extent
 20 reasonably practicable to protect a client's interests, such as giving reasonable
 21 notice to the client, allowing time for employment of other counsel,
 22 surrendering papers and property to which the client is entitled and refunding
 23 any advance payment of fee or expense that has not been earned or incurred.
 24 The lawyer may retain papers relating to the client to the extent permitted by
 25 other law.

26 **III. ARGUMENT**

27 The Court should grant leave to withdraw because the legal standards for
 28 withdrawal are easily satisfied in this instance. First, with respect to LR IA 11-6(b),
 Holland & Knight has informed Non-Party SPCs of Holland & Knight's intent to
 withdraw as attorney of record in this matter. In addition, this motion has been served
 on all parties of record. Second, with respect to LR 11-6(e), no delay of discovery,
 trial, or any hearing in the case will result since Non-Party SPCs are not parties to
 this case, have no pending discovery deadlines, have withdrawn all opposition to the
 present Preliminary Injunction, and functionally have no further role in this case at
 this time. Third, with respect to Nevada Rule of Professional Conduct 1.16(b)(1),

1 adequate grounds for withdrawal exist because withdrawal can be accomplished
2 without material adverse effect since Non-Party SPCs are not named in this case and
3 therefore have deadlines that could be jeopardized or prejudiced upon Holland &
4 Knight's withdrawal. Fourth, Rule 1.16(c) is satisfied because, through this motion,
5 Holland & Knight is complying with the Court's rules and procedures for withdrawal.
6 Fifth, Rule 1.16(d) is satisfied because, again, Non-Party SPCs have no further role in
7 this case and thus there is no additional representation or need for replacement
8 counsel at this time in this matter.

9 The contact information for Non-Party SPC's principals are as follows:

10 David Hernandez:

11 davidhernandez3991@gmail.com
12 910 Glendora Mountain Rd
13 Glendora, California 91741

14
15 Eric Caldwell
16 alwaysirish326@yahoo.com
17 110 Perspective
18 Irvine, California 92618

19 **IV. CONCLUSION**

20 For the foregoing reasons, Holland & Knight respectfully requests that the
21 Court enter an order granting Holland & Knight leave to withdraw as counsel of
22 record for Non-Party SPCs.

1 Date: December 23, 2024

Respectfully submitted,

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3 HOLLAND & KNIGHT LLP

4 By: /s/ Andrew Cummings

5 Anjuli B. Woods
6 Andrew M. Cummings

7 Attorneys for Non-Parties Student Processing
8 Center Group LLC and SPCTWO LLC

9 IT IS SO ORDERED. The Court notes that the affected clients were served and
10 that the motion was not opposed, so the Motion is granted per LR 7-2(d).

11 The Court cautions the non-parties for the record that entities cannot
12 appear pro-se in court. "A corporation may appear in federal court only
13 through licensed counsel." United States v. High
14 Broadcasting Co., 3 F.3d 1244, 1245 (9th Cir. 1993).

15 Hon. Maximiliano D. Couvillier III
16 United States Magistrate Judge
17 Dated: 1-7-25

PROOF OF SERVICE

Pursuant to FRCP 5(b), I certify that I am a representative of HOLLAND & KNIGHT that on this 23rd day of December, 2024, I caused the foregoing

HOLLAND & KNIGHT LLP'S NOTICE OF MOTION AND EMERGENCY MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR NON-PARTIES STUDENT PROCESSING CENTER GROUP LLC AND SPCTWO LLC

to be served as follows:

- By electronic service via CM/ECF to all parties appearing in this case in accordance with FRCP and District Court Local Rules:
- By First-Class United States Mail, postage prepaid upon the following Parties:
- By Personal Service upon the following parties or their Counsel:
- By direct email upon the following Parties, for whom I did not receive, within a reasonable time indication that the transmission was unsuccessful:
- By fax or other means in accordance with FRCP 5(b)(2)(F) upon the following Parties, for which proof of successful transmission is attached hereto:

John R. O'Gorman Luis H Gallegos Reid Abram Tepfer Federal Trade Commission 1999 Bryan St., Suite 2150 Dallas, TX 75201 Attorneys for the Plaintiff	Jarrod L. Rickard Semenza Rickard Law 10161 Park Run Dr., Ste 150 Las Vegas, NV 89145 Local Counsel for Receiver
Edward G. Fates Alien Matkins Leck Gamble Mallory & Natsis LLP 600 West Broadway, 27th Floor San Diego, California, 92101-0903 Pro Hac Vice Counsel for Receiver	R. CHRISTOPHER READE, ESQ. Nevada Bar No. 006791 P. ROWLAND GRAFF, ESQ. Nevada Bar No. 015050 CORY READE DOWS & SHAFER 1333 North Buffalo Drive, Suite 210 Las Vegas, Nevada 89128 Attorneys for Defendants DENNISE MERDJANIAN
David Hernandez: davidhernandez3991@gmail.com 910 Glendora Mountain Rd Glendora, California 91741 Principal of Non-Party SPCs (service via-email)	Eric Caldwell alwaysirish326@yahoo.com 110 Perspective Irvine, California 92618 Principal of Non-Party SPCs (service via-email)

/s/ Philip Dobbs
A Representative of
HOLLAND & KNIGHT

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